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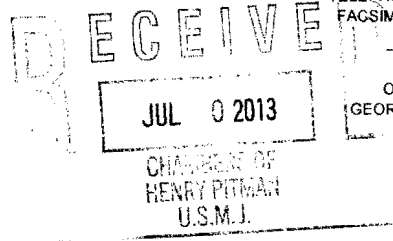
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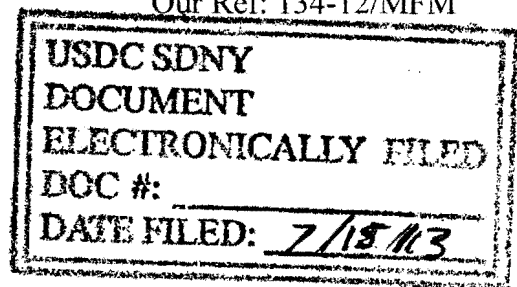
July 9, 2013

* ALSO ADMITTED IN NEW JERSEY
† ALSO ADMITTED IN CONNECTICUT
Δ ALSO ADMITTED IN WASHINGTON, D.C.
° ALSO ADMITTED IN LOUISIANA

BY HAND

Magistrate Judge Henry Pitman
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Our Ref: 134-12/MFM



RE: Complaint of Plaintiffs, McALLISTER TOWING &
TRANSPORTATION CO., INC., as Owner and McALLISTER
TOWING OF NEW YORK, LLC, as Owner Pro Hac Vice of the Tug
PATRICE McALLISTER for Exoneration From or
Limitation of Liability
USDC - SDNY - 12 Civil 2505 (LAK)

Dear Judge Pitman:

We represent Plaintiffs in the above referenced matter and write this letter in what is probably an abundance of caution. Paragraph 1 of the Amended Scheduling Order dated May 2, 2013 (copy attached) provides that the Estate of Matthew Hoban had until June 10, 2013 to advise all other parties whether it would assert a claim directly against Ohio Machinery. Paragraph 2 of the Scheduling Order provides that if the Estate of Hoban did not elect to assert a direct claim against Ohio Machinery, then Plaintiffs would have until July 10, 2013 to make a motion pursuant to F.R.C.P. Rule 14(c).

By email dated June 10, 2013 (copy attached), the Estate of Hoban did in fact advise the parties of its intent to bring a direct claim against Ohio Machinery. However, no formal claim has yet been made, and we do not want to waive our right to make a motion pursuant to F.R.C.P. Rule 14(c) in the unlikely event that the Estate of Hoban opts not to assert its direct claim against Ohio Machinery by the appropriate deadline.¹ Consequently, we respectfully request that Plaintiffs' deadline to make a motion pursuant to F.R.C.P. Rule 14(c) be extended to August 15, 2013. If, by that time, the Hoban Estate has filed its direct claim, there will be no need to make the motion. If, on the other hand, the Hoban Estate does not make a direct claim by July 31, 2013, then Plaintiffs will have a two week "window" to make the motion.

Thank you for Your Honor's anticipated courtesy and cooperation.

Very truly yours,
FREEHILL HOGAN & MAHAR LLP

BY


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Copy with Enclosures Via Email to:


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APPLICATION

GRANTED

SO ORDERED


HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
7-12-13

¹We spoke with Hoban's counsel last week. They are under the impression that they have until July 31, 2013 to file the direct claim against Ohio Machinery.

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